

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks is respectfully requested.

Claim amendments/Status

In this response, claims 1, 10 and 12 have been amended in a manner which clarifies the subject matter for which patent protection is sought.

Claims 1-14 remain pending in this application.

Rejections under 35 USC § 102

The rejection of claims 1-4, 6-7, 9-12 & 14 under 35 USC 102(b) as being anticipated by Satoshi et al. (JP11-132582, translation) is respectfully traversed.

A review of the Satoshi reference reveals that it is not capable of delivering warm air discharged from the compressor 7 directly to the defroster 20. Indeed, Satoshi disclosed electrical heating arrangements in connection with the second embodiment to defrost this device. The only arrangement that vaguely resembles that which is claimed is a bypass which is shown in Fig. 2 and which delivers hot air from the compressor 7 to the inlet of the expansion turbine 10. The turbine 10 then presumably outputs "less" cold air to the defroster but heating must be reduced due to the expansion which occurs upstream of the defroster 20.

To overcome the anticipation rejection the applicant has amended the final paragraph of claim 1 to read:

a defrosting bypass pipe branched from a pipe connected to an outlet of said compressor to supply said defroster with said refrigerant air from a point upstream of the heat exchanger directly to the defroster.

Claims 10 and 12 are similarly amended.

Inasmuch as there is no concept of directing defrosting warm air directly to the defroster

in this manner, it is believed that both the anticipation and obviousness rejections are overcome. This position is applied to the method advanced in claim 11.

Independent claim 7 recites a defroster drying mechanism exchanging moisture-including air within said defroster with external air. Applicants submit that Satoshi does not disclose such a device.

Independent claims 10 and 12 have been amended in a manner similar to that proposed in connection with claim 1. The rejection of these claims is submitted as being overcome for at least this reason.

In connection with independent claim 11 Applicants submit that in Satoshi, any air that is going to enter the defroster during the draining process will be supplied from the expansion turbine inasmuch as there is no intention of permitting external ambient air into the defroster 20 at any time including draining. Thus, the examiner's inherency position is deemed untenable.

Rejections under 35 USC § 103

- 1) The rejection of claims 5 & 8 under 35 USC 103(a) as being unpatentable over Satoshi et al. in view of Wallace (4,483,153); and
- 2) The rejection of claim 13 under 35 USC 103(a) as being unpatentable over Satoshi et al.; are respectively traversed.

With the fall of the anticipation rejections, it is submitted that the positions with respect to the subject matter of claims 5, 8 and 13 are rendered moot.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 11-0219 and please credit any excess fees to such deposit account.

Respectfully submitted,
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